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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,678	04/02/2004	Nicholas Charles Henly	018300-052	9784
21839	7590	01/31/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			VASUDEVA, AJAY	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/815,678	Applicant(s) HENLY, NICHOLAS CHARLES	
	Examiner Ajay Vasudeva	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,10,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 1-10, 16, 17) in the reply filed on 11/04/2005 is acknowledged.

Claims 11-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention or Species, there being no allowable generic or linking claim.

The traversal is on the ground(s) that even though the inventions may be separately classified, a single search would cover all pending claims, and therefore would not cause any serious burden on the Examiner. This is not found persuasive because MPEP section 803 refers to the appropriateness of a restriction with regards to search as well as the examination of the application. Even if a single search could cover all pending claims, at least the examination of all claims would present a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because
 - reference characters "14" and "36" have both been used to designate "fixing screws";
 - reference characters "16" and "38" have both been used to designate "lock washer";
 - and
 - reference characters "18" and "34" have both been used to designate "base plate".
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference numeral **18** mentioned in the description.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is requested to make the following corrections:
- (i) In the section "SUMMARY OF THE INVENTION",
 - change "**realised**" to – **realized** --.
 - change "**labour**" to – **labor** --.
 - (ii) The abstract should be amended such that it is limited to a single paragraph.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- On line 4, use of "**the appliance**" lacks proper antecedent basis in the claim, and it is not clear whether or not it refers to the winch.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 8, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Manzolli (US 5,779,409 A).

Manzolli shows an assembly (fig. 2) comprising an appliance [20], a threaded fastening element [24], and a retaining element [58]. The appliance is attached to a surface by the fastening element using a cooperating element [18]. The appliance has one or more apertures [44], wherein at least a part [48] of the fastening element is retained in the respective aperture and held against rotation with respect to the appliance up to a threshold torque by the retaining element, thereby allowing rotation of the fastening element at torques higher than the threshold torque.

Applicant may note that the limitation “**watercraft appliance**” has been broadly interpreted to mean “**an appliance for watercraft**” or “**an appliance capable of use with a watercraft**”. However, the limitation has not been limited to a narrow interpretation to mean “**an appliance attached to a watercraft**” (emphasis added). In the present case, the appliance is capable of attachment to a watercraft, and therefore meets the limitation of the claim.

Similarly, the limitation “**wherein the appliance is for attachment to a surface of a watercraft**” is merely an intended use limitation because it lacks any positive recitation of an attachment with a watercraft. As such, this limitation has not been accorded any patentable weight.

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Re claim 8, the retaining element prevents translational movement of the fastening element along the axis of the hole when the applied torque is below a threshold.

Re claim 16, the steps recited in the claim are inherent in the manufacture and subsequent use of the assembly.

Re claim 17, the assembly comprises a removable cover [38]. It would have been obvious in a proper use of the invention, and therefore inherent in such proper use, to replace the cover before the appliance were to be attached to any surface. Re the limitation "before the appliance is attached to a watercraft" (emphasis added), it is noted that such attachment to a watercraft has not been positively recited in the steps of the method claim, and therefore, has not been accorded any patentable weight.

Allowable Subject Matter

9. Claims 2-7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record in the attached PTO Form 892, but not yet relied upon, is considered pertinent to applicant's disclosure.

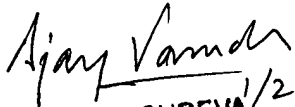
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
Art Unit 3617


AJAY VASUDEVA/23/06
PATENT EXAMINER